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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

2012 FEB -8 A 10:48

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THE NORTHWESTERN MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v,

Case No. 2:11 ev-6456
(WHW) (MCA)

STEVEN LITT and TRACY COPPLE-LITT,

Defendants.

-----X

ANSWER TO COMPLAINT AND CROSS CLAIM

Vlad Portnoy, Esq.
Attorney for Defendant Tracy Copple-Litt
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE NORTHWESTERN MUTUAL LIFE INSURANCE
COMPANY,

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**ANSWER TO
COMPLAINT AND
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Plaintiff,

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(WHW) (MCA)

STEVEN LITT and TRACY COPPLE-LITT,

Defendants.

X
Defendant, Tracy Copple-Litt, by and through her undersigned counsel, hereby answers Plaintiff's Complaint in the captioned matter as follows:

1. Defendant Tracy Copple-Litt Admits each and every allegation contained in paragraphs 1, 8, 11, 13, 14, except deny that at the time of the decedent's death he and Tracy Copple-Litt were living separately and apart, 16, 17, 18, 19, 21, 22, of the Complaint in this action.

2. Defendant Tracy Copple-Litt Denies each and every allegation contained in paragraphs 4, 5, 6, 10, 25 of the Complaint in this action.

3. Defendant Tracy Copple-Litt lacks information sufficient to either admit or deny the allegations contained in paragraphs 2, 3, 7, 9, 12, 15, 20, 23, 24, of the Complaint in this action.

**AS AND FOR DEFENDANT TRACY COPPLE-LITT'S CROSS CLAIM AGAINST CO-
DEFENDANT STEVEN LITT**

4. Defendant Tracy Copple-Litt hereby repeats and reiterates each and every answer and allegation contained in paragraphs 1-3 of the Answer in this matter as if more fully set forth at length herein.
5. On or about September 25, 2005 while the insured Davit Litt was alive, he executed a "Designation Of Beneficiaries By Owner For Death Proceeds Only" form which had previously been provided to him, at his request, upon information and belief, by the Plaintiff, The Northwestern Mutual Life Insurance Company, by which he designated his wife, co-Defendant Tracy Copple-Litt primary beneficiary.
6. Such "Designation Of Beneficiaries By Owner For Death Proceeds Only" form revoked any prior beneficiary designation for death benefits to the detriment of co-Defendant Steven Litt.
7. Said "Designation Of Beneficiaries By Owner For Death Proceeds Only" form provides that the changing of a beneficiary will be made on receipt at the Home Office of the insurance company and that said request will take effect on the date it was signed.
8. On or about September 29, 2011, counsel for co-Defendant Tracy Copple-Litt provided to the Home Office of the Plaintiff insurance company a copy of said "Designation Of Beneficiaries By Owner For Death Proceeds Only" form, notwithstanding that upon information and belief the decedent, who was the insured and owner of the policy, provided the original to

the Plaintiff insurance company shortly after its execution but for some as of yet undetermined reason upon information and belief, was never endorsed by the Plaintiff insurance company.

9. Co-Defendant is entitled to a Declaration that she is entitled to the full net death proceeds under the subject life insurance policy as a matter of law.

WHEREFORE, having fully answered plaintiff's Complaint, Defendant Tracy Copple-Litt prays for a judgment dismissing the Complaint with prejudice and for such further relief as the Court may deem just, including but not limited to granting Defendant Tracy Copple-Litt reasonable attorney fees and costs, including reimbursement from Defendant Steven Litt, those attorney fees if any paid or to be paid to Plaintiff as well as in pursuit of judgment in this case against co-Defendant Steven Litt, as well as a Declaratory Judgment on the Cross Claim awarding the death benefits to Defendant Tracy Copple-Litt as between the co-Defendants.

Dated: January 16, 2012

Respectfully submitted,

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To:

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